

Appl. No. : **09/764,680**
Filed : **January 18, 2001**

REMARKS

In the Office Action of August 27, 2004, the Examiner states that he did not receive legible copies of the references provided by Applicants in a March 29, 2001 Information Disclosure Statement; objects to Figure 1; objects to Claims 1, 6, 20, 25, and 26 for informalities; rejects Claims 7-19, 22, 23, and 26-31 under 35 U.S.C. § 112, first paragraph; rejects Claims 1-6 under 35 U.S.C. § 112, second paragraph; rejects Claim 1 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,291,277 to Davis, et al., ("Davis") in view of U.S. Patent No. 4,810,977 to Flugstad, et al.; rejects Claims 4 and 21 under 35 U.S.C. § 103(a) as being obvious over Davis in view of Flugstad, further in view of U.S. Patent No. 5,699,383 to Ichiyoshi ("Ichiyoshi"); and rejects Claims 7-12, 19, 20, 24-26, and 32 under 35 U.S.C. § 103(a) as being obvious over Davis in view of Ichiyoshi. Applicants request reconsideration of the rejections in view of the foregoing amendments and the following comments.

Information Disclosure Statement

Applicants are concurrently submitting an Information Disclosure Statement with the non-patent references as requested by the Examiner that were apparently lost during the scanning process at the U.S. Patent and Trademark Office.

Corrected Drawings

Applicants are submitting herewith a corrected drawing for Figure 1. The corrected drawing include the legend "Prior Art" on Figure 1 as required by the Examiner. Accordingly, Applicants request the Examiner to withdraw the objection to the drawings.

Objections to Claims 1-6 and 20-29

The Examiner objects to Claims 1, 6, 20, 25, and 26 and dependents thereof because of certain informalities. Applicants thank the Examiner for noticing these informalities. Applicants have amended Claims 1, 20, 25, and 26 in accordance with the Examiner's objections, have cancelled Claim 6 as will be explained later, and Applicants accordingly request the Examiner to withdraw the objections to Claims 1-6 and 20-29.

Rejections to Claims 7-19, 22, 23, and 26-31 Under 35 U.S.C. § 112, First Paragraph

The Examiner rejects Claims 7-19, 22, 23, and 26-31 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

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With respect to Claims 7, 9, 19, 26, 30 and dependents thereof, the Examiner states that, “[i]n general, it is known in the art, the process of sampling involves taking the values of an analog or continuous signal periodically to generate discrete values. As shown in Figs. 3, and 4, there is clearly no sampling process.” In response, Applicants have amended independent Claims 7, 9, 19, 26, and 30 and dependent Claims 10 and 11 to clarify that “sampling” refers to “RF sampling” and that a “sample” corresponds to an “RF sample.” This terminology is supported by the specification, “[a] coupler 130, such as a Lange, a Hybrid, or a Quadrature coupler, provides an RF sample 132 of the high power RF signal 128,” see page 6, lines 17-19. Accordingly, Applicants request the Examiner to withdraw the rejections of Claims 7-19 and 26-31 under 35 U.S.C. § 112, first paragraph, based on “sample” or “sampling.”

In addition, with respect to Claim 19, Applicants have amended Claim 19 from “delaying the analog input signal” to “delaying the input signal.” Accordingly, Applicants request the Examiner to withdraw the rejection of Claim 19.

With respect to Claims 22 and 23, Applicants have amended Claims 22 and 23 to reverse the first signal and the second signal. Accordingly, Applicants request the Examiner to withdraw the rejections of Claims 22 and 23.

In view of the foregoing, Applicants request the Examiner to withdraw the rejections of Claims 7-19, 22, 23, 26-31 under 35 U.S.C. § 112, First Paragraph.

Rejections to Claims 1-6 Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects Claims 1-6 under 35 U.S.C. § 112, second paragraph, as indefinite for lacking antecedent basis for “the first modified signal.” In response, Applicants have amended Claim 1 to change “to generate a modified signal” to “to generate a first modified signal” to provide antecedent basis. Accordingly, Applicants request the Examiner to withdraw the rejections of Claims 1-6 under 35 U.S.C. § 112, second paragraph.

Rejection of Claim 1 Under 35 U.S.C. § 103(a) Over Davis In View Of Flugstad

The Examiner rejects Claim 1 under 35 U.S.C. § 103(a) as being obvious over Davis in view of Flugstad. Applicants have amended Claim 1 to include “and adaptively adjusting the processing to reduce a magnitude of the analog error signal.” This amendment is supported by original dependent Claim 6, which has been cancelled.

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Applicants respectfully submit that Claim 1 as amended is not taught or suggested by a combination of Davis and Flugstad. Accordingly, Applicants request the Examiner to withdraw the rejection of Claim 1 and to allow amended Claim 1.

A Combination Including Davis and Ichiyoshi Is Not Proper Under 35 U.S.C. § 103

The Examiner rejects Claims 4, 7-12, 19-21, 24-26, and 32 based on two combinations of references, both of which include Davis and Ichiyoshi. Specifically, the Examiner rejects Claims 4 and 21 under 35 U.S.C. § 103(a) as being obvious over Davis in view of Flugstad, further in view of Ichiyoshi, and rejects Claims 7-12, 19, 20, 24-26, and 32 under 35 U.S.C. § 103(a) as being obvious over Davis in view of Ichiyoshi. Applicants respectfully submit that these rejections are improper because the Examiner has improperly combined Davis and Ichiyoshi.

In rejecting Claim 4, the Examiner acknowledges that “Davis in view of Flugstad ... does not specifically teach delaying the desired signal relative to the input transmission signal such that the desired signal is substantially time aligned with the feedback signal.” The Examiner states that “[i]n the same field of endeavor, Ichiyoshi teaches such delay (27 in Fig. 1).”

In rejecting Claims 7-12, 19, 20, 24-26, and 32, the Examiner acknowledges that “Davis does not particularly teach the step of delaying the input signal such that a content of the input signal is substantially time aligned with the content of the down-converted sample of the output of the power amplifier.” The Examiner states that “[i]n the same field of endeavor, Ichiyoshi teaches such delaying (27 in Fig. 1). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to delay the desired signal relative to the input transmission signal such that the desired signal is substantially time aligned with the feedback signal, since such delay is explicitly required to provide a proper comparison result.”

In rejecting Claim 21, the Examiner rejects Claim 21 over Davis in view of Ichiyoshi, further in view of Flugstad, and combines Davis with Ichiyoshi “as applied to claim 20 above.”

Applicants respectfully disagree with the Examiner’s proposed combinations of Davis and Ichiyoshi. It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983), M.P.E.P. § 2145(X)(D)(2).

Davis teaches delaying the input signal with a shift register 11. Davis states “[f]or each symbol time, K data bits, representative of some symbol or signal point P in the two dimensional

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multi-amplitude signal space, as described above in conjunction with FIGS. 2 and 3, are coupled over input line 10 to a shift register 11 having a capacity of L symbols. In general, the length L of shift register 11 may be longer than one symbol, if there exist memoryful linear distortions due to system filtering.” See Col. 4, lines 31-40 and Figure 4.

Applicants note that Davis’s shift register 11 delays the input signal in the transmitted path that includes the non-linear amplifier 34 and not the reference path that includes the ROM 13. Accordingly, Davis’s shift register 11 teaches a delay in the opposite direction to the delay 27 taught by Ichiyoshi and thus, the references teach away from their combination. Accordingly, it is improper to modify Davis’s system with the delay 27 of Ichiyoshi as suggested by the Examiner.

Since Davis and Ichiyoshi should not be combined, Applicants submit that it is improper to reject Claims 4, 7-12, 19-21, 24-26, and 32 as obvious over a combination of references that includes Davis and Ichiyoshi. Accordingly, Applicants request the Examiner to withdraw the rejections to Claims 4, 7-12, 19-21, 24-26, and 32 and to allow the same.

Summary

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner to withdraw the objections to the drawings and to Claims 1-6 and 20-29. In addition, Applicants respectfully request the Examiner to withdraw the rejections of Claims 7-19, 22, 23, and 26-31 under 35 U.S.C. § 112, first paragraph, Claims 1-6 under 35 U.S.C. § 112, second paragraph, and Claims 1, 4, 7-12, 19-21, 24-26, and 32 under 35 U.S.C. § 103(a). Applicants further request the Examiner to allow Claims 1-5 and 7-32 and to pass the present application to the issue process.

If there is any further impediment to the prompt allowance of the present application, Applicants request the Examiner to call the undersigned attorney of record at 310-407-3466 or at the telephone number listed below to resolve any such impediment.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figure 1. This sheet replaces the original sheet for Figure 1. In Figure 1, the legend "Prior Art" has been added.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

